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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,207	03/28/2001	Brewster P. Kahle	ALEXA1.003A	3849
20995 7590 03/12/2007 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER MISIASZÉK, MICHAEL	
			ART UNIT	PAPER NUMBER
			3625	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	03/12/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 03/12/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
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Office Action Summary

Application No.

09/820,207

Applicant(s)

KAHLE ET AL.

Examiner

Michael Misiaszek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 45-65 and 86 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 45-65 and 86 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgements

The examiner for this application has changed. Please indicate Examiner Michael Misiaszek as the examiner of record in all future correspondences.

Response to Amendment

Applicant's remarks filed 10/9/2006 have been received and reviewed. Accordingly, the amendments filed 7/14/2006 are no longer non-compliant, as per the notice sent by examiner James Kramer on 9/14/2006, since applicant has now pointed out the believed patentable novelty. The status of the claims is as follows:

Claims 45-65 and 86 are pending. Claim 86 has been newly added by the applicant.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 1. Claims 45-65 are rejected under 35 U.S.C. 103(a) as being obvious over RUSure.com web pages in view of Ng (6,405,175) and Wright et al. (US 6721802 B1, hereinafter Wright).**

Regarding Claim 45

RUSure discloses a client program that runs on user computers in conjunction with browsing software and presents supplementary information associated with web pages accessed by users; a data server that communicates over a network with the user computers running the client program and sends supplementary information to the user computers.

RUSure does not disclose the system providing a first user the option to complete and submit a form requesting at least on type of product-specific data; and a second user is provided an option of viewing the product-related data submitted by the first user. RUSure further does not disclose providing functionality for users to share product-related information across different web pages that describe a common product.

Ng taught that it is known to include a first user having the option to complete and submit a form requesting at least on type of product-specific data (see e.g.,

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Abstract, Fig. 3, col. 3, lines 60-65; col. 6, lines 20-36); and a second user being provided with an option of viewing the product-related data submitted by the first user (see e.g., col. 8, lines 33-60). It would have been obvious to one of ordinary skill in the art to modify the apparatus of RUSure by providing the option to enter data by a first user and have that data viewed by a second user in order to provide a more complete and self-correcting database of product information by allowing users to update the database in real time (at least column 3, lines 8-20 of Ng).

Wright teaches that it is known to include providing for users to share product-related information across different web pages that describe a common product (at least column 2, lines 10-27: information about a single item shared across multiple websites between multiple users) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system, as taught by RUSure, with the sharing of product information, as taught by Wright, since such a modification would have provided more convenient data location by centralized product data (at least column 2, lines 10-27 of Wright).

Regarding Claim 46

RUSure in view of Ng discloses a toolbar that displays an indication that a web page currently being viewed includes a supplementary product description (e.g., the "Compare" indicator under "What is the Shopping Bar" in RUSure).

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Regarding Claims 47, 49

RUSure in view of Ng discloses a web page analyzer comprising the automated data acquisition module 32, which analyzes web pages to determine if the web pages show descriptions of products.

Regarding Claim 48

RUSure in view of Ng discloses all elements except that the analyzer is implemented at least in part with the client program. However, it would have been an obvious matter of design choice to do so since that disclosure does not disclose that the location of the implementation solves any particular problem or is for any specific purpose and it appears that system would function equally well in either configuration.

Alternatively, as to claims 47 and 48, RUSure in view of Ng disclose a web page analyzer working at least in part from the client which analyzes web pages to determine if it is a supported web page providing product description.

Regarding Claims 50 and 51

RUSure in view of Ng disclose a database used to analyze whether a website describes a product, the database being automatically populated by a data generation module.

Regarding Claims 52 and 53

RUSure in view of Ng discloses all elements (see e.g., col. 8, lines 50-60).

Regarding Claim 54

RUSure in view of Ng discloses a field for the Url (e.g., Fig. 3).

Regarding Claims 55-58

RUSure in view of Ng discloses all elements except providing for suggesting related products, the product's web page and text regarding the recommendation and rating the recommendation. However, the examiner takes official notice that to provide this information is notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art to further modify the method of RUSure by providing this additional functionality in order to help the user identify, locate and evaluate items that might be needed or wanted in addition to the recommended item.

Regarding Claim 59

RUSure in view of Ng discloses a field for specifying a web address of a store (e.g., Fig. 3).

Regarding Claim 60

RUSure in view of Ng discloses all elements of the claim except requesting a reason for the recommendation. However, the examiner takes official notice that it is notoriously old and well known in the art to request and provide reasons for the recommendation of a store. It would have been obvious to one of ordinary skill in the

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art to further modify the apparatus of RUSure by doing so in order to allow users to better evaluate the recommendations.

Regarding Claim 61

RUSure in view of Ng discloses all elements of the claim except prompting users to specify whether they have an interest in the recommendations. However, the examiner takes official notice that to do so is notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art to further modify the apparatus of RUSure by prompting users to specify whether they have an interest in a recommendation in order to provide feedback on the recommendations.

Regarding Claim 62

RUSure in view of Ng discloses submitting at least an identifier (URL) of a store selling the item.

Regarding Claim 63

RUSure in view of Ng discloses all elements except providing a shopping cart to the client, such that a user can add items to the cart across multiple web sites. However, the examiner takes official notice that to provide such a shopping cart is notoriously old and well known in the art. It would have been obvious to one of ordinary skill in the art to further modify the apparatus of RUSure by providing a shopping cart to

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the client that allows a user can add items to the cart across multiple web sites in order to reduce the number of times the user must go through a "check out" process.

Regarding Claims 64, 65

RUSure in view of Ng discloses additionally displaying links to auction web pages associated with the first product (see linking to auctions under "More" button of RUSure) and wherein the client program and the data server provide the service across a plurality of web sites, and the data server is separate from the servers of said plurality of web sites (see RUSure: multiple websites accessed by program)

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2. Claim 86 is rejected under 35 U.S.C. 103(a) as being unpatentable over RUSure in view of Ng and Wright as applied to claim 45 above, and further in view of Nachom (US 7072856 B1).

RUSure, Ng, and Wright disclose the claimed invention except for displaying submitted product-related information to the second user in a display area that is superimposed over the second web page.

Nachom teaches that it is known to include superimposing supplemental product information over a webpage (at least column 3, lines 55-67: information transferred to pop-up window) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method, as taught by RUSure, Ng, and Wright, with the superimposing of product information, as taught by Nachom, since such a modification would have provided more convenience in marketing and selling product over the internet through an inexpensive and efficient product promotion technique (at least column 3, lines 10-39 of Nachom).

Response to Arguments

Applicant's arguments with respect to the product information sharing of claim 45 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's traversal of Examiner McAllister's taking of Official Notice has been fully considered, but it is inadequate. To adequately traverse Official Notice, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. Applicant has only provided a general allegation that the Examiner's taking of Official Notice was inappropriate, and provides no specific reasoning as to why this is the case. Accordingly, the Official Notice is made final, and the following limitations from claims 56-58, 60, 61, and 63 are considered to be admitted prior art: providing for suggesting related products, the product's web page and text regarding the recommendation and rating the recommendation; requesting a reason for the recommendation; except prompting users to specify whether they have an interest in the recommendations; providing a shopping cart to the client, such that a user can add items to the cart across multiple web sites.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Misiaszek whose telephone number is (571) 272-6961. The examiner can normally be reached on 8:00 AM - 4:30 PM, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael A. Misiaszek
Patent Examiner
3/5/2007


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